

IN RE: PETITION FOR ADMIN. VARIANCE *
N/s of Joppa Rd., 70' wide R/W, 176' W of *
centerline of Simms Avenue, 50' wide R/W *
11th Election District *
5th Councilmanic District *
(9006 Simms Avenue) *

Joan B. and John K. Simms
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 06-147-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Joan and John Simms. The variance request is for property located at 9006 Simms Avenue in the Perry Hall area of Baltimore County. The variance request is from Sections 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a streetside setback of 15 ft. in lieu of the required 25 ft. for a dwelling.

The Petitioners having filed a Petition for Administrative Variance and the subject property was posted on September 24, 2005. Upon review by the Deputy Zoning Commissioner, the request was set in for public hearing. Notice to the public of the hearing was duly posted on the property by Baltimore County on November 8, 2005 and by publication in the Jeffersonian Newspaper on November 8, 2005.

Zoning Advisory Committee Comments

ZAC comments were received from the Planning Office dated September 28, 2005 and made a part of the record of this case.

ORDER RECEIVED FOR FILING

Date 12-12-05

By Delana W. [Signature]

Interested Persons

Appearing at the hearing in support of the request were John and Jean Simms, Petitioners. Also appearing was Jeff Deegan, P.E., who prepared the Plat to Accompany. There were no protestants or citizens at the hearing.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Testimony and Evidence

Mr. Deegan indicated that his clients live on the subject property, which contains approximately 0.45 acres, zoned DR 5.5. They would like to subdivide their land into two (2) lots of equal size or 0.228 acres and to sell the new lot as a buildable lot. See Petitioner's Exhibit 1. Mr. Deegan noted that the Simms property is located at the intersection of Joppa Road and Simms Avenue. As such, it is subject to the street side setback of 25 feet from Joppa Road. He opined that this street side setback was particularly severe on the Petitioners as the County took 0.31 acres of frontage to widen Joppa Road and Simms Avenue in 1989. See Petitioner's Exhibit 2. In addition, the Joppa Road taking appropriated more of the Petitioner's rear yard in

ORDER RECEIVED FOR FILING
Date 12-12-05
By [Signature]

an alignment shift of the new Joppa Road which skews the property line and street side setback in relation to a home fronting on Simms Avenue.

In regard to the configuration of the proposed home, Mr. Deegan indicated that he could theoretically build a home within the building setback lines shown on Petitioner's Exhibit 1. In fact, the home across Simms Avenue at the corner of Joppa would likely fit the envelope. However, as Mr. Deegan points out the house would have a narrow 30-ft. front and would likely be 60 feet long in order to have a large enough house. This would look like a townhouse rather than the one and two story single family dwellings in the neighborhood. The County requires the front of the house to face Simms Avenue.

He also reviewed the Planning Office comments, which specify several architectural features on the Joppa Road side to which his client agreed. Included in this list is a wrap around porch, which will give the Joppa Road side of the new home the appearance of fronting on Joppa Road as well. He described this as highly desirable. In short, the neighborhood gets a much better product if the more conventional design for the house with at least 40 feet of front is allowed.

Finally, Mr. Deegan noted that even after the taking by the County for Joppa Road the Petitioner still has 0.45 acres of property. This allows two (2) dwellings so that allowed density is not violated.

Findings of Fact and Conclusions of Law

I find the property unique from a zoning standpoint considering the Joppa Road taking, the skewed alignment of Joppa Road vis a vis Simms Avenue and the fact that two (2) streets border this property. Density is not violated.

However, the case turns on the issue of hardship or practical difficulty. Mr. Deegan admits that the Petitioners can build the house across the street within the building setback lines.

I am convinced however that by incorporating the Planning Office comments and granting the variance, the product will be superior. The new home will have architectural features that will give the appearance of a front on Joppa Road as well as the actual front on Simms Avenue. Looking at photograph 3, the house across the street, I note the blank wall and garage doors facing Simms Avenue, which is not appealing or in keeping with the homes erected on the Simms side of the street. Overall, I think granting the variance will benefit the community.

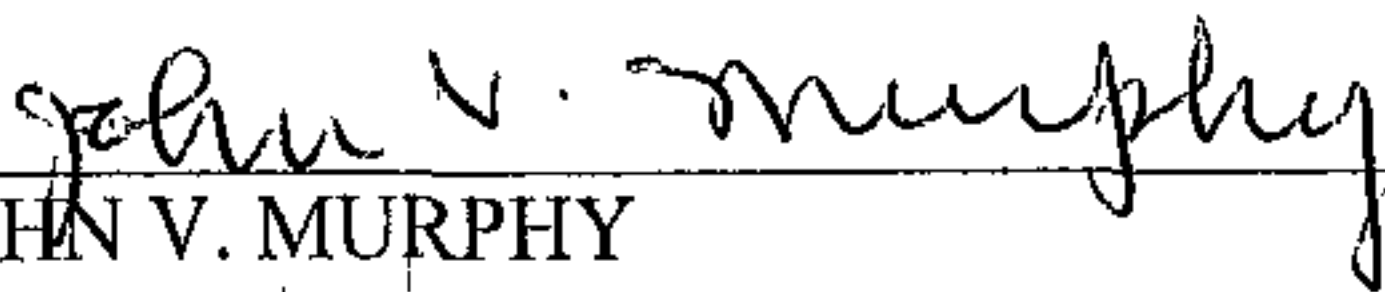
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of December, 2005, that a variance from Sections 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a streetside setback of 15 ft. in lieu of the required 25 ft. for a dwelling. be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments submitted by the Office of Planning dated September 28, 2005 is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
Date 12-12-05
By Dan W. King

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 12-12-05
By Deane Hilgert

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 9, 2005

Joan B. Simms
John K. Simms
9006 Simms Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 06-147-A
Property: 9006 Simms Avenue

Dear Mr. & Mrs. Simms:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Jeffrey J. Deegan, P.E.
2309 Belair Road, Suite A, Fallston, MD 21047
People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9006 SIMMS AVE, BALTO, MD. 21234
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section(s) 1B02.3C.1; BCZR, TO PERMIT
A STREETSIDE SETBACK OF 15 FT. IN LIEU OF THE REQUIRED
25FT. FOR A DWELLING,

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JOAN B. SIMMS
Signature Joan B. Simms
Name - Type or Print JOHN K. SIMMS
Signature John K. Simms
Address 9006 SIMMS AVE. Telephone No. 410-256-7762
BALTIMORE MD 21234
State Zip Code

Representative to be Contacted:

Name JEFFREY J. DEEGAN, P.E.
Address 2309 BELAIR RD. Telephone No. 410-893-3700
SUITE A FALLSTON, MD 21047
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-147A

Reviewed By Jcm

Date 9.12.05

Estimated Posting Date 9.25.05

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12-12-05

By [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9006 SIMMS AVE.
Address
BALTIMORE MD. 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joan B. Simms John K. Simms
Signature Signature
JOAN B. SIMMS JOHN K. SIMMS
Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of SEPTEMBER, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN K. SIMMS & JOAN B. SIMMS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

9-12-05
Date

Thomas Haeberle
Notary Public
My Commission Expires 5-9-06

REASON FOR VARIANCE REQUEST

JOHN K. & JOAN B. SIMMS
9006 SIMMS AVENUE
BALTIMORE, MD 21234

The subject property is intended for Minor Subdivision under BCZR § 1B02.3 C;(small lots or tracts). When the DR-5.5 setbacks are applied to the Subject Lot the Proposed Dwelling is severely constrained with regard to width. Industry/Builder Standards and Buyer Preferences are demanding a building width of at least 40', with an attached (2) car garage and a minimum of 2300 sq. ft. of living area on (2) floors.

This new lot cannot conform to those standards using the common Building Plans available from our local Builders, and there are at least five reasons that this lot is lacking these proper dimensions.

1. Joppa Rd. was widened by Baltimore County in the late 1980's, this resulted in the loss of ± 0.31 ac. from both the Joppa Rd. and Simms Ave. frontages of the existing lot. (see attached R/W Plat)
2. Simms Ave., our intended frontage for the new lot, intersects Joppa Rd. on a skew; this constraint forces the new lot to narrow toward the rear, or in a westerly direction.
3. The above narrowing was exaggerated by an alignment shift from the existing to the proposed alignment of the new Joppa Rd., causing a deeper widening on the west side of the property.
4. To further exaggerate the narrowing, the "Averaging Method" for front yard setback, which is applicable to this property, causes us to go to the 40' maximum dimension, pushing the proposed dwelling even deeper into a narrowing configuration.
5. Lastly, the subject lot is fronting (2) public roads and is thereby subject to a front yard setback of 40' on Simms Ave. and a 25' front yard setback along Joppa Rd. instead of the normal 10' side yard allowed for DR-5.5 lots.

ZONING DESCRIPTION OF PROPERTY
for
9006 SIMMS AVENUE, BALTIMORE, MD 21234

Beginning at a point on the North side of Joppa Rd. which is a 70' wide R/W, at a distance of 176' west of the centerline of the nearest improved intersecting street; Simms Avenue, which is a 50' wide R/W. The following courses and distances:

N 02° 05' 09" E 125.58'

S 88° 35' 31" E 147.71' to the west side of Simms Ave., a 50' R/W

S 01° 24' 29" W 121.36'

S 54° 51' 05" W 35.81' to the north side of Joppa Rd., a 70' R/W

Along a curve to the left, of 1882.39' radius 5.68' to a P.C.C.

Thence, along a curve of 2326.83' radius 115.98' to the place of beginning

As recorded in Deed Liber 5184, Folio 368, containing 0.46 acres, more or less. Also being known as 9006 Simms Avenue, Baltimore, MD 21234 and located in the 11th Election District, and 5th Councilmanic District.

147

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0040

DATE 9-12-05 ACCOUNT FOL-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: J. SIMMS 7006

FOR: PA. VA.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

ISSUES AMOUNT TIME CASH

9/12/05 65.00 10:18:33 1

ISSUED BY: WALKIN JR. JER

RECEIPT # 25246 9/12/05 0214

Dept. 5 505 770143 VERIFICATION

ISS. NO. 00045

Receipt for \$65.00

\$65.00 02 \$65.00 02

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-147-A
9006 Simms Avenue
N/side of Joppa Road, 176
feet +/- west of Simms
Avenue
11th Election District
5th Councilmanic District
Legal Owner(s): John K. &
Joan B. Simms
Variance: to permit a street
side setback of 15 feet in
lieu of the required 25 feet
for a dwelling.
Hearing: Wednesday, No-
vember 23, 2005 at 9:00
a.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions. Please contact the
Zoning Commissioner's Of-
fice at (410) 887-4388.

(2) For information con-
cerning the File and/or
Hearing, contact the Zon-
ing Review Office at (410)
887-3391.

JT/11/660 Nov, 8 74422

CERTIFICATE OF PUBLICATION

11/10/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/8/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-147-A

Petitioner/Developer: JOHN
SIMMS

Date Of Hearing/Closing: 10/10/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9006 SIMMS

This sign(s) were posted on September 24, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 9/24/05
(Signature of sign Poster and Date)

Martin Ogle

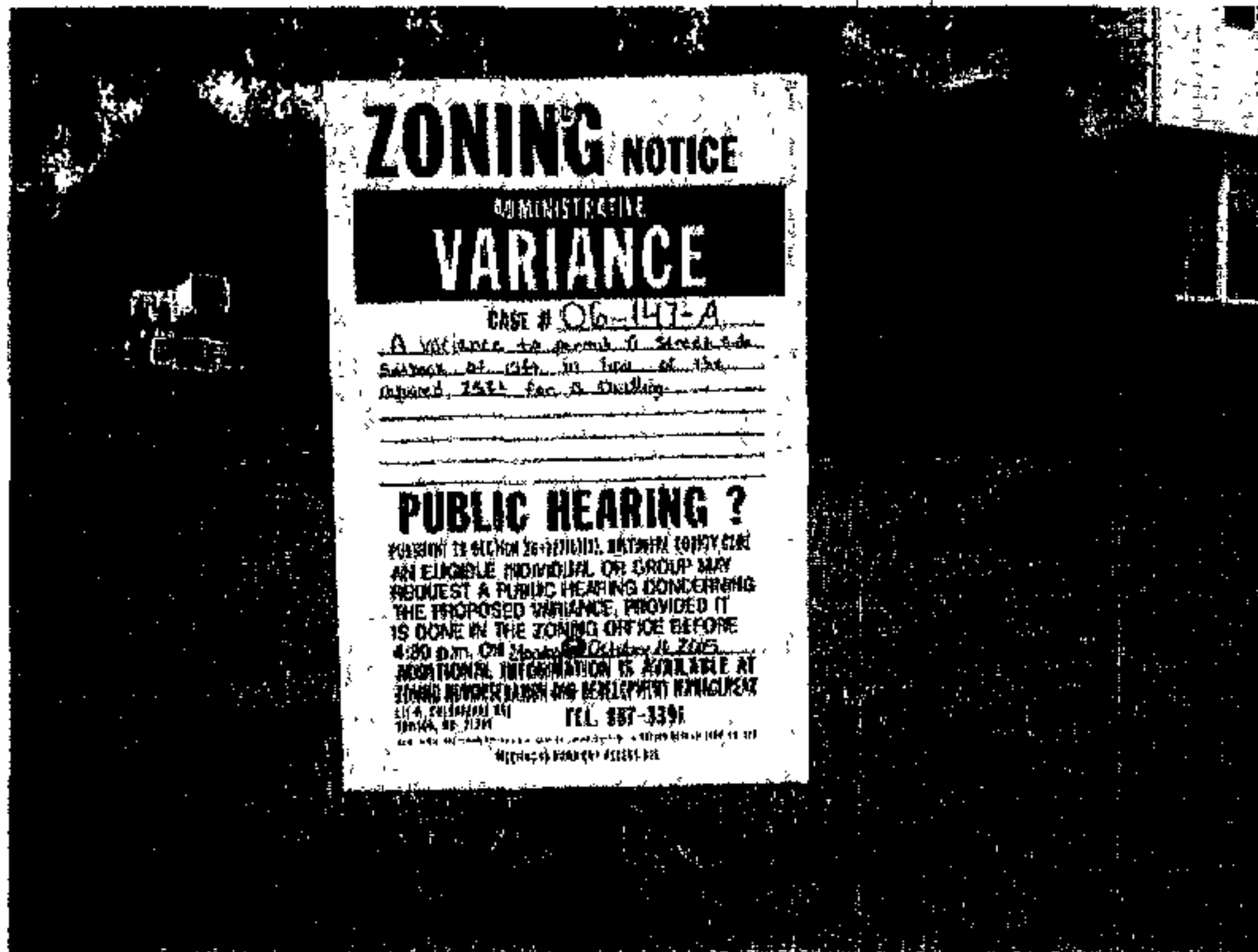
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



MyattmDf 9/24/05



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

November 1, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-147-A

9006 Simms Avenue

N/side of Joppa Road, 176 feet +/- west of Simms Avenue

11th Election District – 5th Councilmanic District

Legal Owners: John K. & Joan B. Simms

Variance to permit a street side setback of 15 feet in lieu of the required 25 feet for a dwelling.

Hearing: Wednesday, November 23, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Simms, 9006 Simms Avenue, Baltimore 21234
Jeffrey Deegan, 2309 Belair Road, Ste. A, Fallston 21047

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 8, 2005.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 8, 2005 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-147-A

9006 Simms Avenue

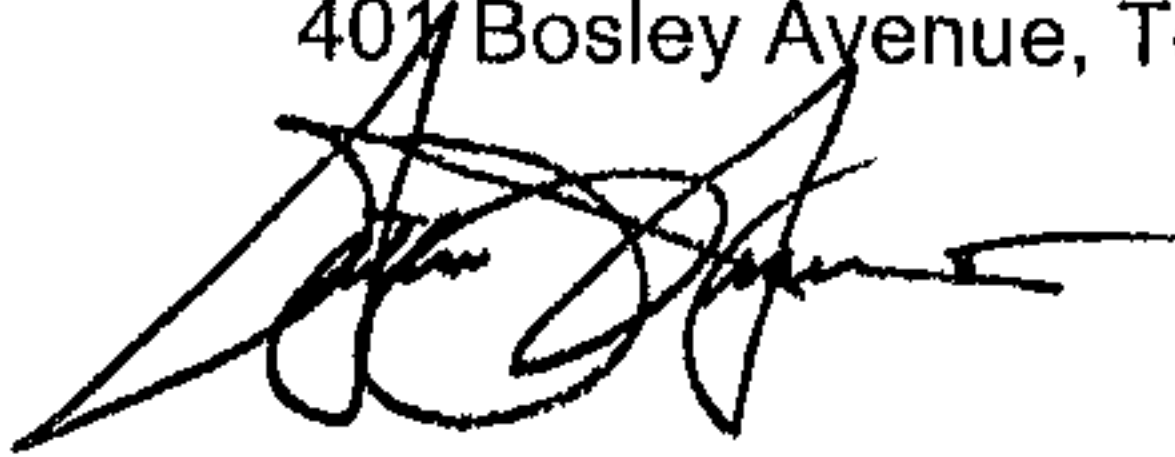
N/side of Joppa Road, 176 feet +/- west of Simms Avenue

11th Election District – 5th Councilmanic District

Legal Owners: John K. & Joan B. Simms

Variance to permit a street side setback of 15 feet in lieu of the required 25 feet for a dwelling.

Hearing: Wednesday, November 23, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 147 -A Address 9006 Simms Ave.

Contact Person: J. Meppan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9.12.05 Posting Date: 9.25.05 Closing Date: 10.10.05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 147 -A Address 9006 Simms
Petitioner's Name John Simms Telephone 410-256-7762
Posting Date: 9.25.05 Closing Date: 10.10.05
Wording for Sign: A VARIANCE
To Permit A STREET SIDE SETBACK OF 15ft.
IN LIEU OF THE REQUIRE 2.5ft. for a Dwelling.

WCR - Revised 6/25/04

**Department of Permits
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 21, 2005

Joan B. Simms
John K. Simms
9006 Simms Avenue
Baltimore, Maryland 21234

Dear Mr. and Mrs. Simms:

RE: Case Number: 06-147-A, 9006 Simms Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Jeffrey Deegan 2309 Belair Road, Ste. A. Fallston 21047

Visit the County's Website at www.baltimorecountyonline.info



**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 11, 2005

Joan B. Simms
John K. Simms
9006 Simms Avenue
Baltimore, Maryland 21234

Dear Mr. and Mrs. Simms:

RE: Case Number: 06-147-A, 9006 Simms Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Jeffrey Deegan 2309 Belair Road Suite A. Fallston 21047

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 28, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9006 Simms Avenue

INFORMATION:

Item Number: 6-147

Petitioner: Joan B. Simms

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions that are in part in accordance with the Residential Performance Standards of Baltimore County are met:

1. The applicant shall articulate the southern façade of the dwelling with windows, dormers, and or wrap around porch to give the appearance of a front façade from E. Joppa Road.
2. Decorative fencing shall be provided along the southern side yard that fronts E. Joppa Road and shall be clearly indicated on the site plan. Fence shall be set back 10 feet from the right-of-way.
3. Vegetative treatments shall accompany the required fencing to adequately buffer the rear yard of the proposed lot from direct view of E. Joppa Road.
4. The proposed dwelling should be constructed of materials consistent with the adjacent single-family dwellings.
5. Elevation drawings of all facades shall be submitted for review and approval by this office prior to the issuance of any building permits.
6. Show the location of the proposed driveway with access from Simms Avenue.

For further information concerning the matters stated here in, please contact Kevin Gambrell at 410-887-3480.

Prepared by:

Division Chief:
AFK/LL: CM

W:\DEVREV\ZAC\6-147.doc

RECEIVED

OCT - 8 2005

ZONING COMMISSIONER

ORDER RECEIVED FOR FILING

Date 12-12-05

By [Signature]

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: ~~September 26~~, 2005

Item No.: 127, 138-141, 143-144, 146-154

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info





Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Driven to Excel
State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 9.21.05

RE: Baltimore County
Item No. 147 JCM

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: September 23, 2005

FROM: Dennis A. Kennedy^{DM}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 3, 2005
Item Nos. 139, 142, 144, 145, 146, 147
148, 149, 150, 152, 153, and 154

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09232005.doc

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 1, 2005

Joan B. Simms
John K. Simms
9006 Simms Avenue
Baltimore, MD 21234

Dear Mr. & Mrs. Simms:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-147-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded at the request of the deputy-zoning commissioner requiring a public hearing concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information, *which will be done by this office at no charge to you.*

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and *this office will also be handling the billing directly by Patuxent Publishing for this.*

If you need any further explanation or additional information, please feel free to contact Joseph Merrey at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Jeffrey Deegan, 2309 Belair Road, Ste. A, Fallston 21047

Visit the County's Website at www.baltimorecountyonline.info



**WILSON DEEGAN
& ASSOCIATES, INC.**
2309 Bel Air Rd. Ste. A
FALLSTON, MD 21047

(410) 893-3700
FAX (410) 877-0700

TO BALTIMORE COUNTY PDM
ZONING DEPT.

LETTER OF TRANSMITTAL

DATE	9/12/05	JOB NO	SIMMS
ATTENTION			
RE	JOHN & JAN SIMMS 9006 SIMMS AVE. BALTO., MD 21234		
ADMINISTRATIVE VARIANCE			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
3		EA.	PETITION w/ AFFIDAVIT
12		EA	PLATS
1		EA.	ZONING MAP
1		EA	TAX MAP
1		EA	ZONING DESCRIPTION
1		EA	"REASON FOR VARIANCE" sep. from petition
1		EA	ROAD WIDENING RW DWS.
1		EA	FRONT YARD AVERAGING FORM

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

PHOTOGRAPHS ALSO SUBMITTED
AND A CHECK FOR \$65⁰⁰

COPY TO _____

SIGNED:

JEFF DEEGAN

If enclosures are not as noted, kindly notify us at once.

From: Debra Wiley
To: Matthews, Kristen
Date: 10/20/2005 10:57:15 AM
Subject: Fwd: Case #06-147-A - 9006 Simms Ave. (Closing 10/10/05)

Hi Kristen,

Jack's note also indicates to have the county repost / readvertise. Thanks.

>>> Debra Wiley 10/20/2005 10:54 AM >>>
Hi Kristen,

Hope you're feeling well today!!

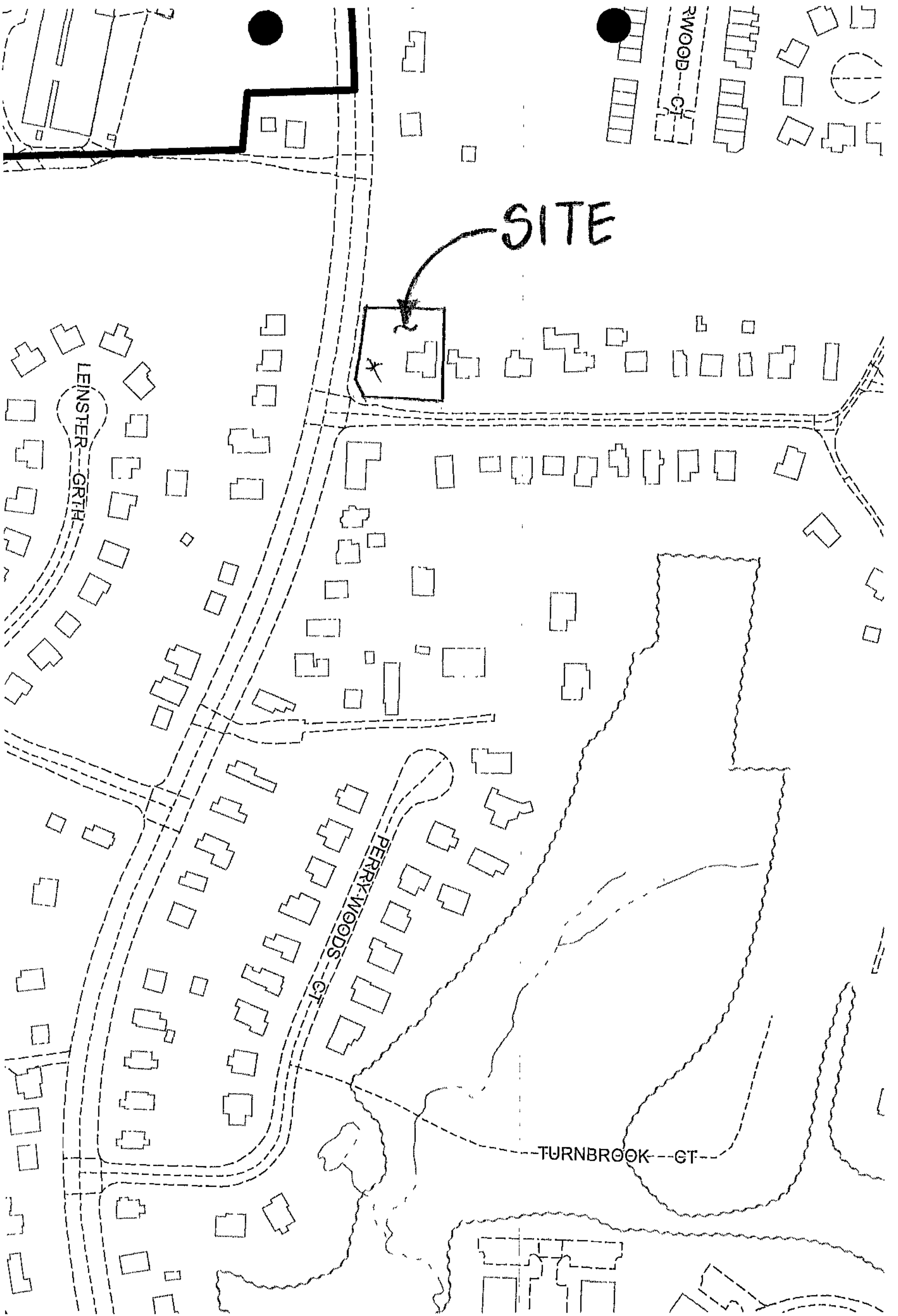
Just to let you know that Jack has decided that the above Admin. Variance should be set for a hearing. I guess that means Jack should hear it as well. I will forward the file to you.

Thanks in advance for your help.

DATE _____

E-MAIL

John Armes	9006 Armes Ave	Barto Md 21234	
John Armes	9006 Armes Ave	Barto Md 21234	
JEFF DEEGAN (WDA)	2309 BELAIR RD. SUITE C	FAUSTON, MD 21047	JEFF-DEEGAN@COMCAST.NET

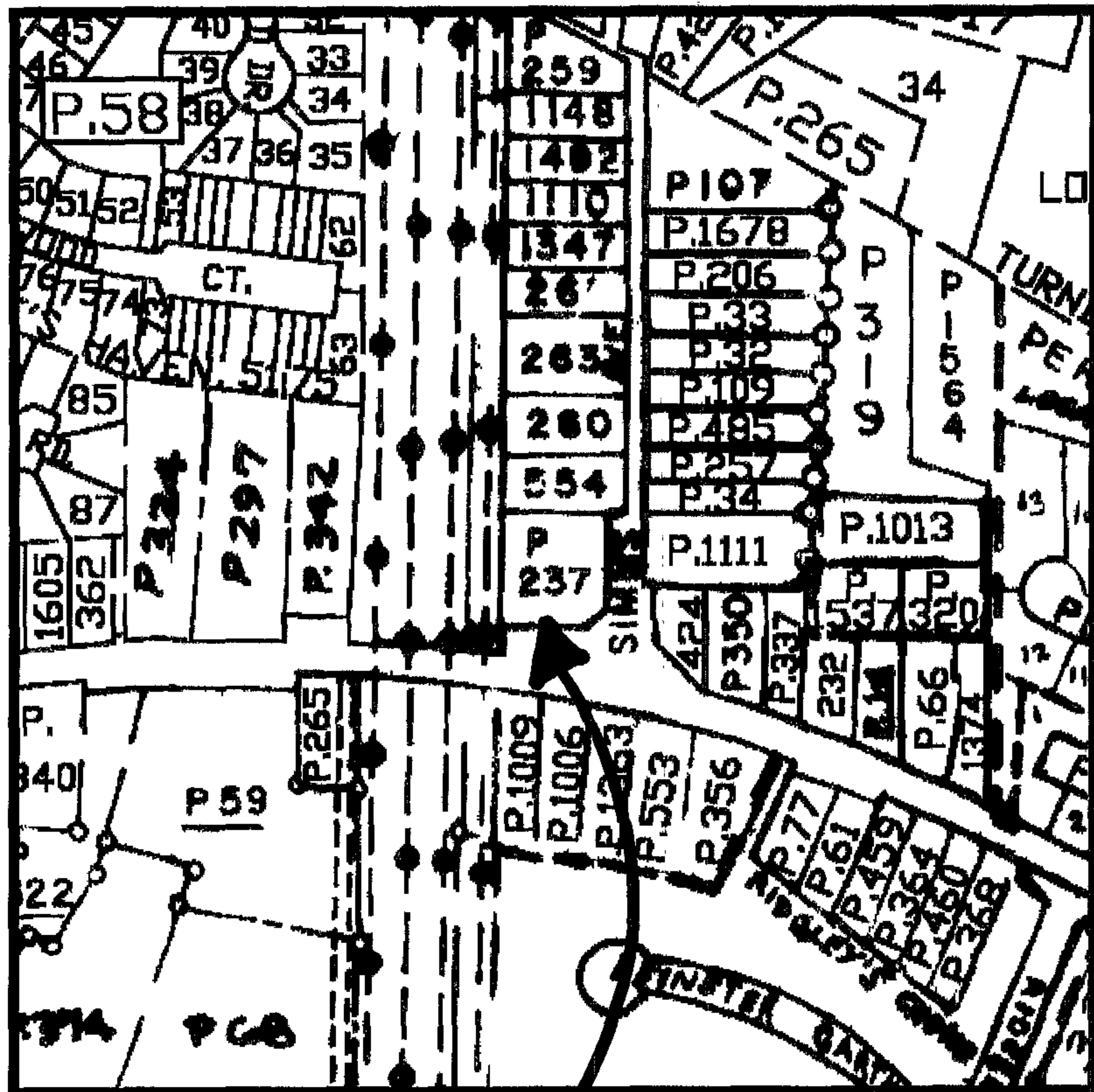


Zoning Map# 07122 = DR-505
7-28-05

9006 SIMMS AVE.

	Maryland Department of Assessments and Taxation	View Map
	BALTIMORE COUNTY	
	Real Property Data Search	

District - 11 Account Number - 1119040210



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at

SITE

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9006 SIMMS AVE. BALTO. MD 21234 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME PERRY HALL

PLAT BOOK # NA FOLIO # NA LOT # NA SECTION # NA

OWNER JOHN K. & JOAN B. SIMMS

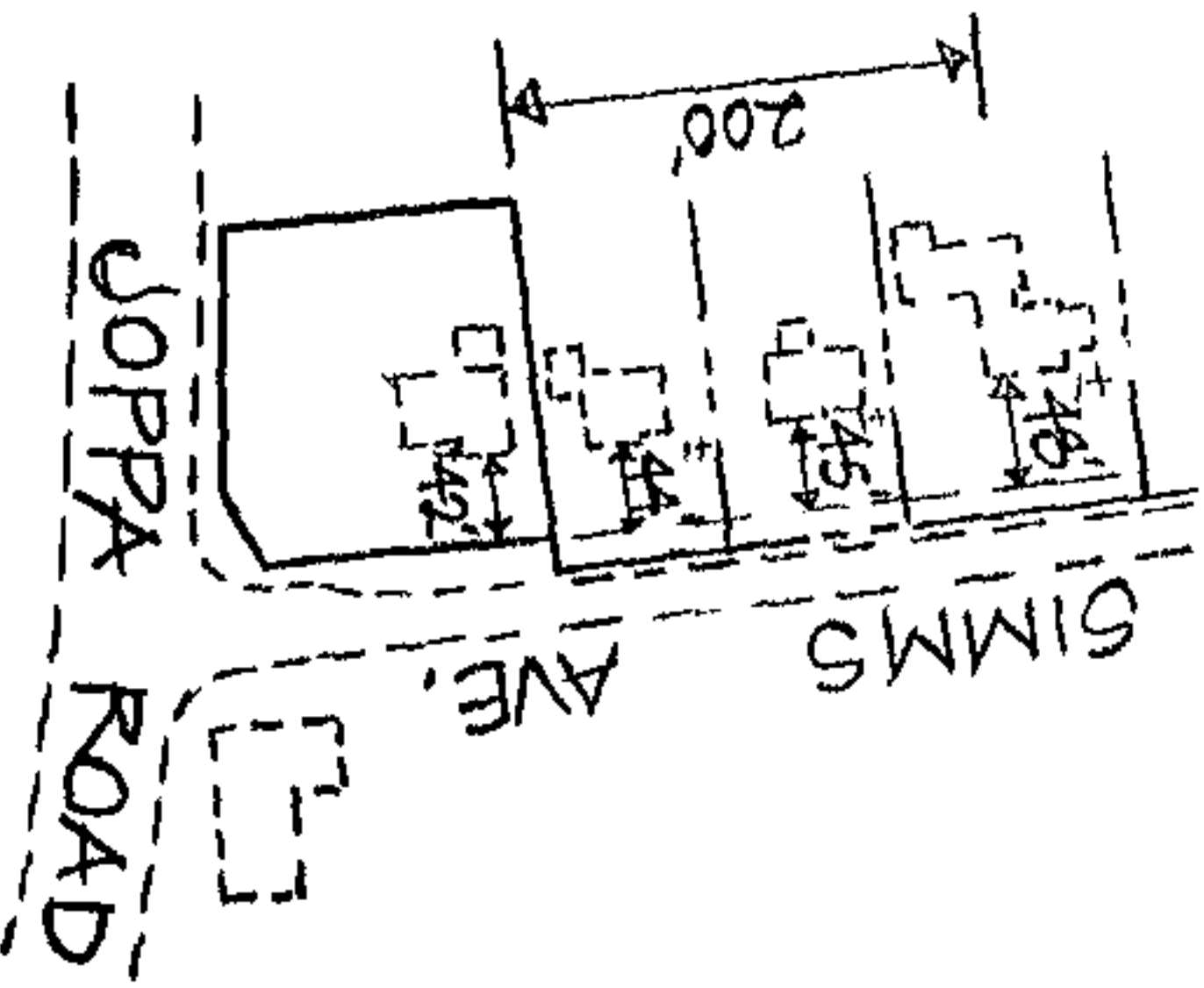
KAREN M. CRANE
DEED: 22147/348 * 9008
TAX ID # 1106021740
"RESIDENTIAL USE"

BALTO GAS & ELEC. CO.
TAX ID # 1102002919



NORTH

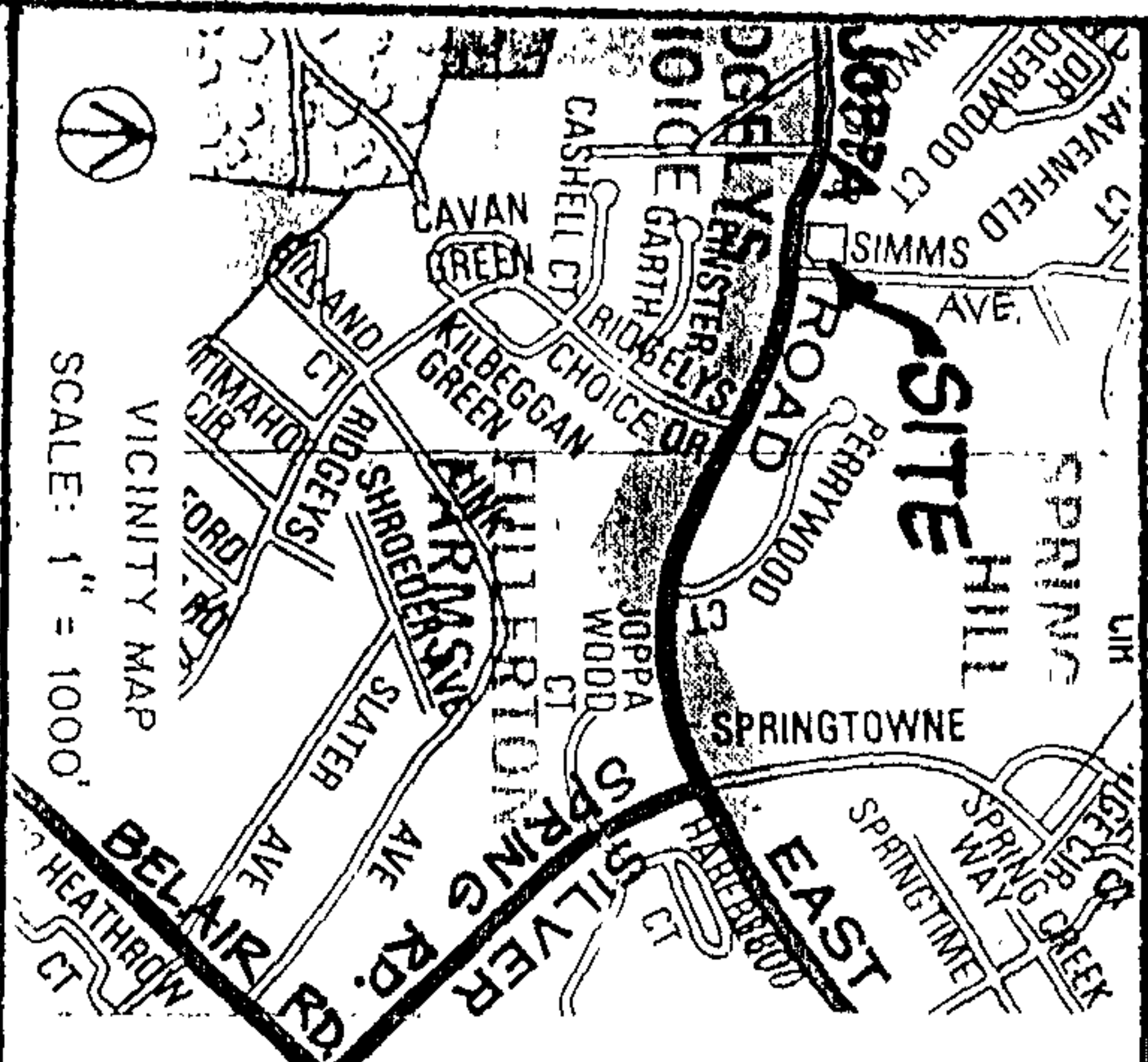
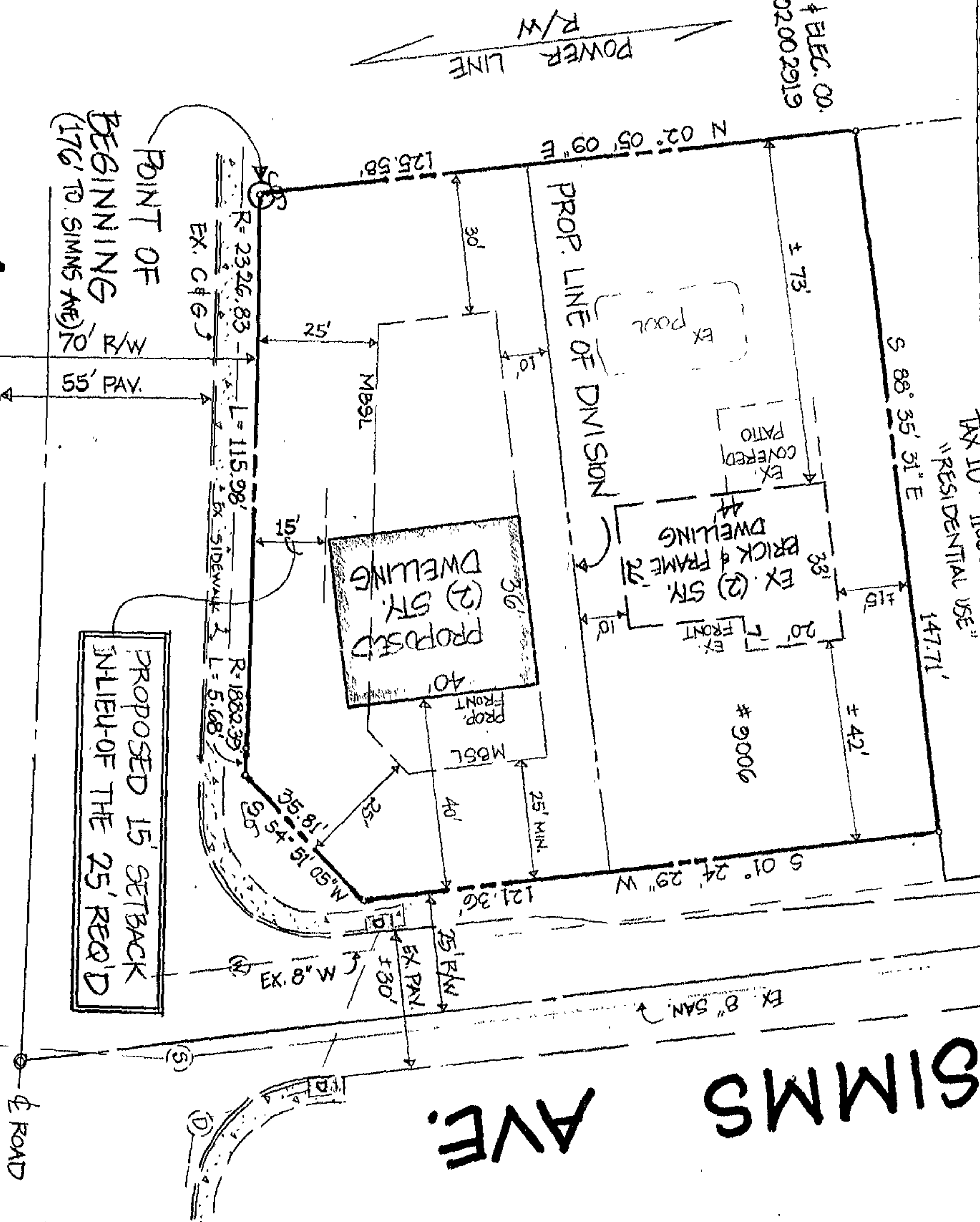
INSET
FOR
FRONT SETBACKS
SCALE 1" = 200'



JOPPA ROAD

(RW 88-001-44)
WIDENING

PREPARED BY JEFFREY J. DEEGAN 9/12/05 SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 11th

COUNCILMANIC DISTRICT 5th

1" = 200' SCALE MAP # 71 C2

ZONING DR 5.5

LOT SIZE 0.4565 ACRES 19,883 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY

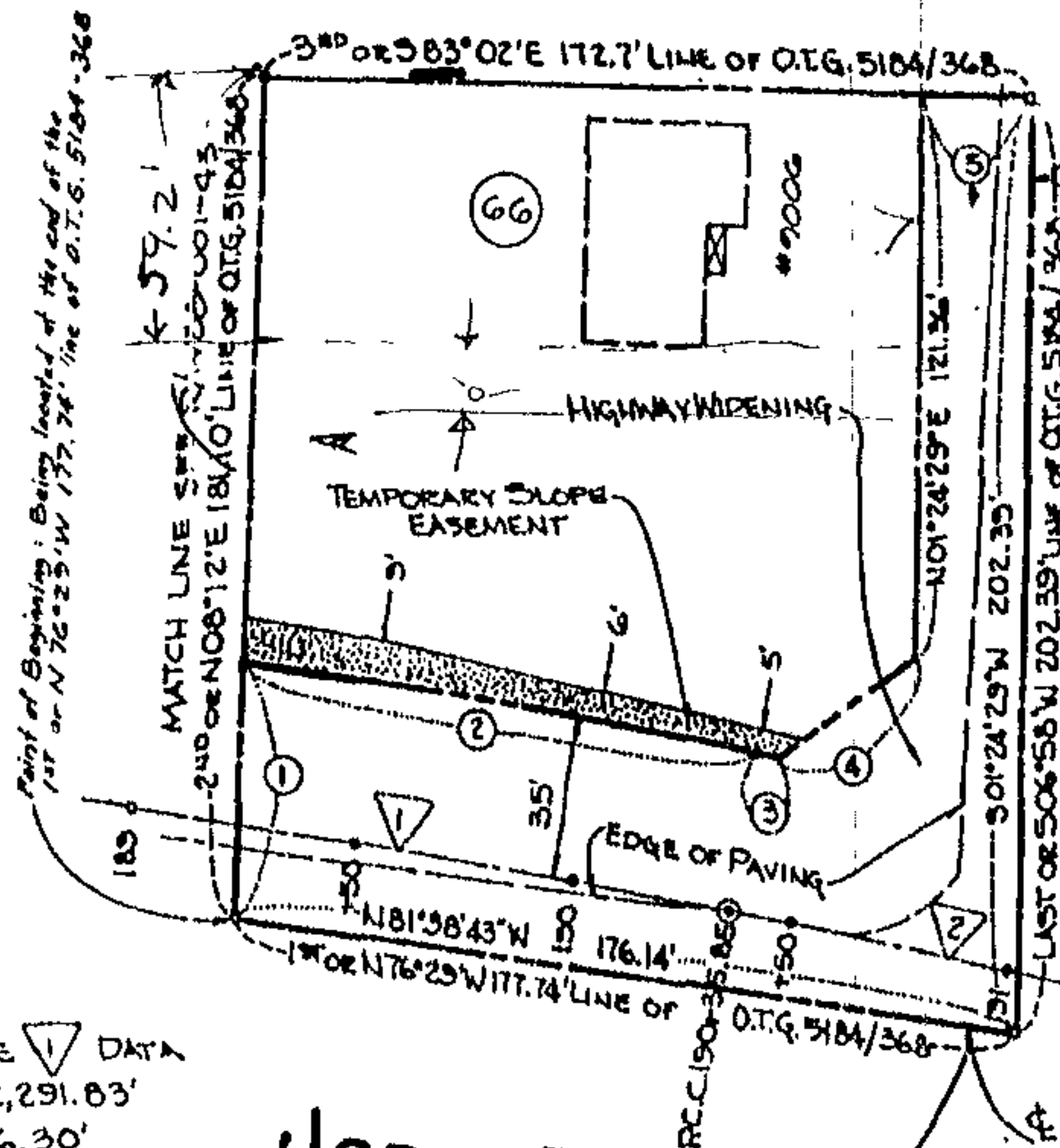
REVIEWED BY ITEM # CASE # 2

(66)
JOHN K. SIMMS AND
JOAN B., HIS WIFE
O.T.G. 5184/368

HIGHWAY WIDENING AREA = 15,537 SQ. FT. = 0.311 AC.

TEMPORARY SLOPE EASEMENT AREA = 940 SQ. FT. = 0.022 AC.

AREA IN PAVING = 4506 SQ. FT. = 0.113 AC.



- ① N02°05'05"E 55.52'
- ② RAD. = 2326.83'
L. = 115.98'
CHD. = 500°34'25"E
115.96'
- ③ RAD. = 1882.35'
L. = 5.68'
CHD. = 579°03'36"E
5.68'
- ④ N54°51'05"E 35.81'
- ⑤ S88°55'51"E 24.95'

SIMMS
AVENUE

1. CURVE DATA
RAD. = 2,291.83'
L. = 636.30'
Δ = 15°54'27"
CHD. = 587°06'02"E 634.26'

JOPPA ROAD

SEE RW88-001-20423

2. CURVE DATA
RAD. = 1847.39'
L. = 459.47'
Δ = 14°15'00"
CHD. = 572°01'15"E 458.28'

BALTIMORE COUNTY		DEPARTMENT OF PUBLIC WORKS		BUREAU OF LAND ACQUISITION	
DISTRICT NO. 11 C6		POSITION SHEET NO. 36 NE 22 + 36 NE 23		FEDERAL PROJECT NO. OR MARYLAND PROJECT NO.	
APPROVED <i>[Signature]</i> ROADS ENGINEER		☐ AREA TO BE ACQUIRED ☒ REVERTIBLE SLOPE EASEMENT ☒ TEMPORARY CONSTRUCTION AREA		☒ EXISTING COUNTY R/W ☒ AREA TO BE RELEASED ☒ TEMPORARY SLOPE EASEMENT	
DATE 2/8/89		ITEM NO.		CONSULTING ENGINEER OR SURVEYOR	
APPROVED <i>[Signature]</i> CHIEF BUREAU OF LAND ACQUISITION		RECORDED		DATE 2/8/89	
DATE 2/8/89		DRAWN BY		SHEET OF	
APPROVED <i>[Signature]</i> SUPERVISOR, DIVISION OF DRAFTING		PER 1-15-89		SCALE 1" = 50'	
DATE 2-8-89		FLAT CHECKED <i>[Signature]</i>		B.C. JOB ORDER NO. 5-77-8	
		AREA CHECKED <i>[Signature]</i>		RW 88-001-44	
		TITLE CHECKED <i>[Signature]</i>		REVISIONS	

Del #2

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 50 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

EX. DWELLING 42'

A	FI.
B	FI.
C	FI.
D	44'
E	45'
F	48'

$$\text{TOTAL (179)} \div (\text{4}) = \boxed{44.75}$$

of dwellings
REQUIRED FRONT SETBACK (averaged)

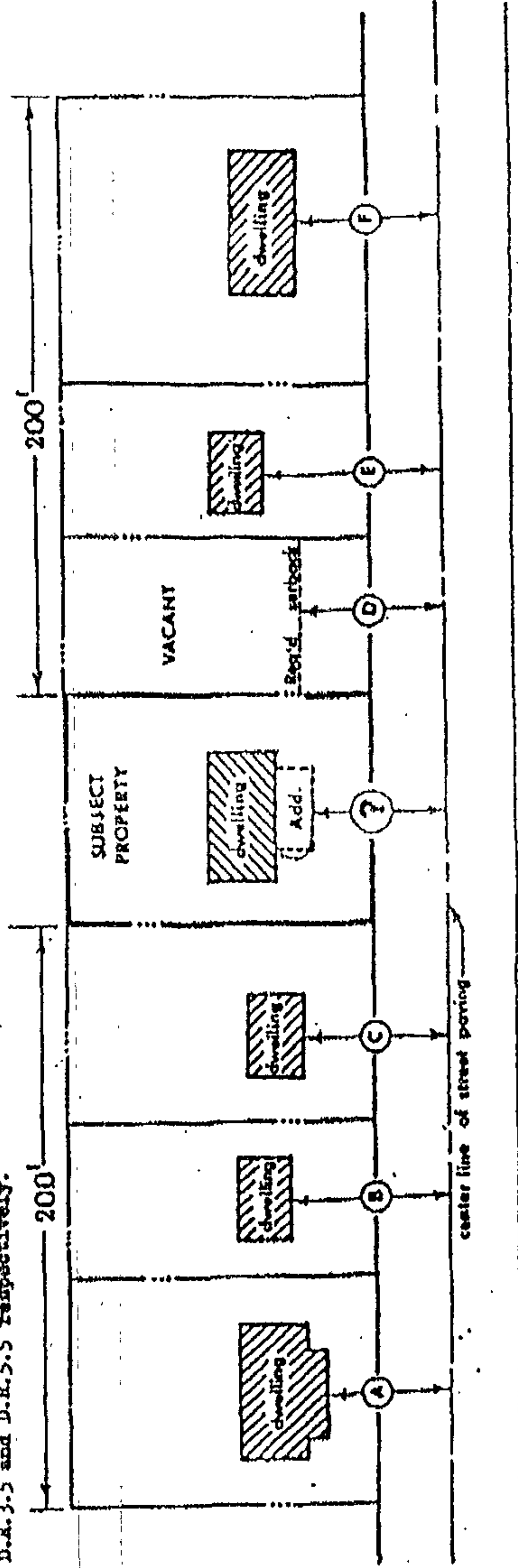
NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

D.R.3.5 - 55 ft.

D.R.5.5 - 50 ft.

DR 5.5 USE 40' MAX



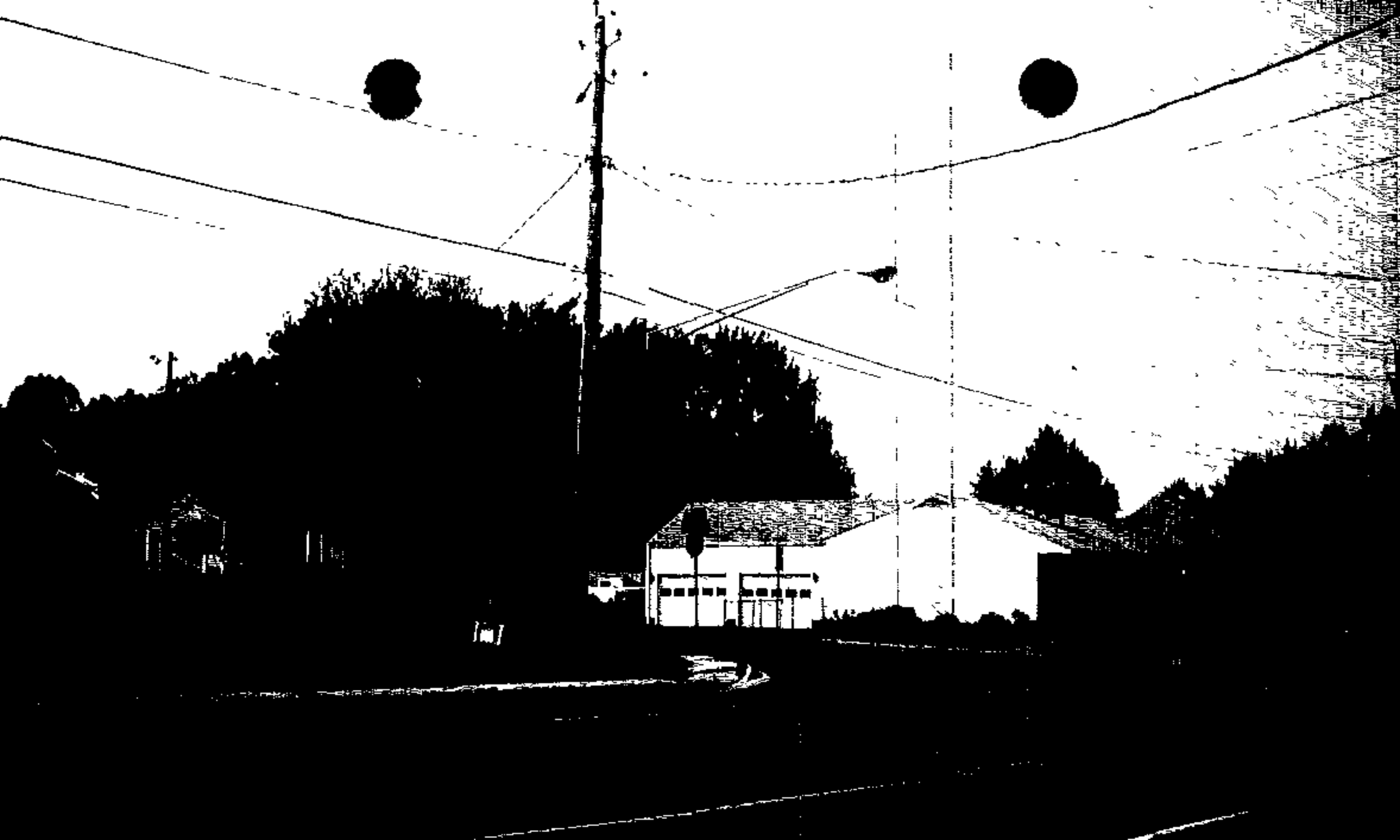


09/11/2005









SUBJECT SITE
#90066 SIMMONS



09/11/2005







09/11/2005